

United States Courts  
Southern District of Texas  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SEP 16 2020

David J. Bradley, Clerk of Court

JUAN ENRIQUEZ,  
Petitioner,

v.

BOBBY LUMPKIN,  
Respondent.

CIVIL ACTION NO. 4:20-CV-2895

PETITIONER'S MOTION FOR EXTENSION OF TIME TO OBTAIN  
THE RECORD OF HIS STATE 11.08 HABEAS PROCEEDINGS  
TO SUPPORT HIS MOTION TO ALTER OR AMEND JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Juan Enriquez, Petitioner, moves the Court for an extension of time of thirty (30) days from September 16, 2020, to October 21, 2020, to obtain the record of the proceedings in Ex parte Enriquez, No. 04-17-00356-CR (Tex.App. San Antonio 2018), averring as grounds the following:

I.

Petitioner requested leave to file a core habeas petition under 28 U.S.C., Section 2241, but the Court on the mistaken belief that "Enriquez was found guilty of murder with malice aforethought and sentenced to life imprisonment" transferred this case to the Western District of Texas. Petitioner filed a motion to alter or amend judgment on the grounds the order of Transfer did not have a factual or legal basis because Petitioner is imprisoned on a "commuted life sentence" issued by the Governor of Texas on August 31, 1972. The governor is not a State court and his commutation order is not a State Court judgment. Hartfield v. Quarterman, 603 F.Supp.2d 943, 951 (S.D.Tex. 2009).

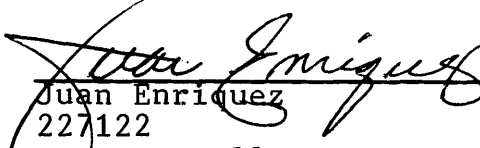
## II.

Petitioner contends that on July 27, 2016, the Court of Criminal Appeals directed the district clerk of his convicting court to process the claims sub judice under Article 11.08, Texas Code of Criminal Procedure, the pre-conviction habeas statute and that the case was so heard on January 27, March 24, and May 4, 2017 in Ex parte Enriquez, No. 3862 (81st Dist. Ct. 2017 and in Ex parte Enriquez, No. 04-17-00356-CR, supra. The controlling precedent from the Fifth Circuit in Weeks v. Scott, 55 F.3d 1059, 1063 (5th Cir. 1995)("it is not our function as a federal appellate court in a habeas proceeding to review a State's interpretation of its own law" and "we defer to the State courts' interpretation" of its statutes.) require this Court to accept the decision of the Court of Criminal Appeals that Petitioner is not held pursuant to a state court judgment). The fact that Enriquez' claims sub judice were processed and heard under the State pre-conviction habeas statute is easily verifiable from the record of the above referenced case, which record is readily available from the Fourth Court of Appeals.

Petitioner was represented in the State habeas proceeding by attorney Nohl Bryant (appointed), attorney Richard Langlois (appointed), and Ray J. McQuary (Pro bono). Appointed counsel's duties ended at the State level. Mr. McQuary, who was going to file the federal petition died during the discretionary review proceedings. The Petitioner does not have any money of his own, but he believes he can obtain the needed record through friends. He needs 30 days to do so.

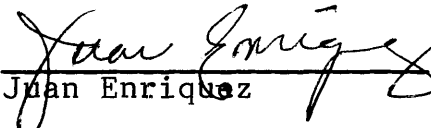
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that his motion for an extension of time be granted and that he be given until October 21, 2020, to file the State court habeas record of his pre-conviction habeas proceedings in support of his motion to alter or amend judgment.

Respectfully submitted,

  
Juan Enriquez  
227122  
TDCJ-Terrell  
1300 FM 655  
Rosharon, Texas 77583

#### Verification

I, Juan Enriquez, declare under penalty of perjury, that the foregoing statements in the above motion are true and correct and based on personal knowledge. Executed on September 11, 2020.

  
Juan Enriquez

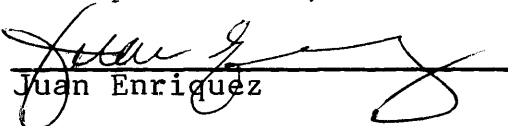
#### Certificate of Service

I, Juan Enriquez, certify that a correct copy of the foregoing motion was served on September 11, 2020, by placing same in the United States mail, postage prepaid, addressed to Edward Larry Marshall, Assistant Attorney General, P. O. Box 12548, Austin, TX 78711.

  
Juan Enriquez

#### Verification of Mailbox Rule Filing

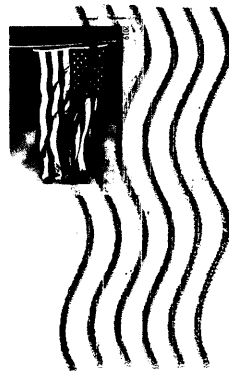
I, Juan Enriquez, declare under penalty of perjury, that the foregoing motion was filed on September 11, 2020, by placing same in the Institutional Mail System of the Terrell unit, first class mail, postage prepaid, addressed to Clerk, United States District Court, Southern District of Texas, P. O. Box 61010, Houston, Texas 77208. Executed on September 11, 2020.

  
Juan Enriquez

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227122  
TDCJ-Terrell  
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NORTH HOUSTON TX 773

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FOREVER / USA

Clerk  
United States District Court  
Southern District of Texas  
P. O. Box 61010  
Houston, Texas 77208

David J. Bradley, Clerk of Court

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